

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Case No. 1:18-CV-68
	§	
UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
	§	
Defendants,	§	
	§	
and	§	
	§	
KARLA PEREZ, <i>et al.</i> ,	§	
	§	
Defendant-Intervenors,	§	
	§	
and	§	
	§	
STATE OF NEW JERSEY,	§	
	§	
Defendant-Intervenor.	§	

**PEREZ DEFENDANT INTERVENORS' SECOND  
REPLY IN SUPPORT OF RENEWED DISCOVERY MOTIONS**

Defendant Intervenors Karla Perez, *et al.* (Defendant Intervenors) file this second Reply in support of their motions to Present Their Witness Stephen Legomsky (Dkt. 138) and for Leave to Depose Mr. Michael Knowles (Dkt. 137 and Dkt. 91).

**STATEMENT OF THE ISSUES**

1. Whether Plaintiffs may present the declaration testimony of their witness Mr. Legomsky, who is a former federal employee and thus requires an order from this Court to permit his testimony. Mr. Legomsky's testimony will rebut assertions made

by Plaintiffs' witness Kenneth Palinkas in the declaration filed by Plaintiffs in support of their preliminary injunction motion.

2. Whether Plaintiffs may take a third-party deposition of Mr. Michael Knowles, current President of the USCIS union. Mr. Knowles will testify in response to assertions made by Plaintiffs' witness Kenneth Palinkas in the declaration filed by Plaintiffs in support of their preliminary injunction motion.

In the week since Defendant Intervenors filed their first Reply (Dkt. 165) in support of their motions to present their expert Stephen Legomsky and to take the deposition of USCIS union president Michael Knowles, Plaintiffs Texas *et al.* have responded that they "take no position regarding Defendant-Intervenors' renewed request to present Stephen Legomsky as an expert witness and to depose the president of the USCIS union, Michael Knowles" but argue that the discovery "should not cause a delay in the briefing schedule on Plaintiff States' motion for a preliminary injunction." Dkt. 189. Federal Defendants have not filed an additional response. *See* Dkt. 139 for Federal Defendants' initial response to which Defendant Intervenors replied in Dkt. 165.

Defendant Intervenors do not seek discovery of the Federal Defendants in these two remaining discovery motions. The Court's gatekeeping function, discussed in its Order of May 30, 2018, is not implicated here. *See* Dkt. 53 ("Any party who wishes to seek discovery from Federal Defendants . . . must seek leave from the Court to do so.").

On the contrary, Defendant Intervenors seek to present their own witness, Mr. Stephen Legomsky, and seek to take a deposition of a third party, the current USCIS union president.

For the reasons explained in Dkt. 165 and incorporated by reference here, Defendant Intervenor has satisfied all requirements of this Court and should be allowed to present witness testimony necessary to their response to Plaintiffs' preliminary injunction motion.

Dated: July 24, 2018

Respectfully Submitted,

**MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL FUND**

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on the 24th day of July, 2018, I electronically filed the above and foregoing document using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Nina Perales  
Nina Perales